IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

(1) WRIT PETITION NO. 536 OF 2005

Royal Western India Turf Club Ltd. ..Petitioner

Vs.

Union of India & Ors. ..Respondents

....

Mr.J.P.Cama i/b M/s.Gobindram D.Talreja and Associates for Petitioner
Mr.A.H.Palekar AGP for Respondent no.2
Mr.H.V.Mehta for Respondent no.1

....

WITH

(2) WRIT PETITION NO. 537 OF 2005

Royal Western India Turf Club Ltd. ..Petitioner

Vs.

Union of India & Ors. ..Respondents

....

Mr.J.P.Cama i/b M/s.Gobindram D.Talreja and Associates for Petitioner
Mr.H.V.Mehta for Respondent No.1
Mr.A.H.Palekar AGP for Respondent no.2

....

WITH

(1) WRIT PETITION NO. 1186 OF 2005

Royal Western India Turf Club Ltd. ..Petitioner

Vs.

Union of India and Ors. ..Respondents

....

Mr.J.P.Cama i/b M/s.Gobindram D.Talreja and Associates for Petitioner
Mr.H.V.Mehta for Respondent No.1

Mr.A.H.Palekar AGP for Respondent no.2

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CORAM : B.H.MARLAPALLE,J.
DATE : MARCH 11,2005

P.C.:

1. Heard Mr.J.P.Cama, the learned senior counsel with Mr.Talreja for petitioners, and Mr.Mehta, learned standing counsel for respondent no.1. Mr.Palekar appears for respondent no.2.

2. Recovery orders were passed against the petitioner-club for recovery of ESI contribution as payable under the Employees State Insurance Act, 1948 and the Rules thereunder. The said orders were challenged in Applications (ESI Application Nos. 20, 25 and 33 of 2004). These applications came to be rejected on 18.1.2005 for the reasons that the earlier order dated 12.1.2005 for depositing 50% of the claim amount within a period of one month was not complied with.

3. It has been pointed out by Mr.J.P.Cama, senior counsel for the petitioner-club that ESI authorities recovered through the bank an amount of Rs.44,69,803/- on or about 1.3.2005 and as against the said recovered amount, 50% amount that was required to be deposited as per the order passed by the ESI Court comes to Rs.19,32,008/- in all the

three applications put together. The petitioner-club has thus made the requirement of 50% and therefore, the applications pending before the ESI Court i.e. application nos.20,25 and 33 of 2004 are required to be heard and decided on merits.

4. The petitions are therefore, disposed of in terms of the following directions:

a) Application nos.20, 25 and 33 of 2004 are directed to be heard and decided as per law as expeditiously as possible and without being influenced by any interlocutory order;

b) The balance amount of Rs.25,37,794/- shall be refunded to the petitioner by the respondent no.5 and this return of the amount would not in any way affect the respective contentions of the parties before the ESI Court. Amount be returned within three weeks;

c) During the pendency of the applications, no coercive steps will be taken against the petitioner for execution of the orders impugned;

5. Certified copy expedited.

[B.H.MARLAPALLE,J.]